

# An Act

HOUSE BILL 17-1329

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CONCERNING THE TREATMENT OF YOUTHS WITHIN THE DIVISION OF YOUTH CORRECTIONS, AND, IN CONNECTION THEREWITH, RENAMING THE DIVISION THE "DIVISION OF YOUTH SERVICES", CLARIFYING THE REHABILITATIVE PURPOSE OF THE DIVISION, ESTABLISHING A PILOT PROGRAM TO INITIATE A CULTURAL CHANGE WITHIN THE DIVISION, CLARIFYING THE MANNER IN WHICH THE DIVISION SHALL REPORT DATA CONCERNING CRITICAL INCIDENTS, RENAMING AND EXPANDING THE ROLE OF THE YOUTH SECLUSION WORKING GROUP, REQUIRING AN INDEPENDENT ASSESSMENT OF THE DIVISION, CREATING COMMUNITY BOARDS IN EACH REGION OF THE DIVISION, REQUIRING THE STATE AUDITOR TO AUDIT CERTAIN REPORTS OF THE DIVISION, AND MAKING AN APPROPRIATION.

*Be it enacted by the General Assembly of the State of Colorado:*

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

**SECTION 1.** In Colorado Revised Statutes, 19-2-203, amend (1), (2), and (3)(a); and add (4) and (5) as follows:

**19-2-203. Division of youth services - created - interagency agreements - duties of administrators concerning voter registration and casting of ballots - reports - pilot program - fund created - repeal.**

(1) (a) There is hereby created within the department of human services the division of youth ~~corrections~~ SERVICES, REFERRED TO WITHIN THIS SECTION AS THE "DIVISION", the head of which ~~shall be~~ IS the director of the division. ~~of youth corrections. The director shall be appointed by the executive~~ director of the department of human services SHALL APPOINT THE DIRECTOR OF THE DIVISION pursuant to section 13 of article XII of the state constitution and the laws and rules governing the state personnel system. The director shall exercise powers and perform duties and functions within the office of the executive director of the department of human services in accordance with the provisions of this ~~article~~ ARTICLE 2 and as if transferred thereto by a type 2 transfer as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24. ~~C.R.S.~~

(b) THE PURPOSES OF THE DIVISION ARE TO:

(I) INCREASE PUBLIC SAFETY BY PROVIDING REHABILITATIVE TREATMENT TO HELP YOUTHS IN THE DIVISION'S CARE MAKE LASTING BEHAVIORAL CHANGES TO PREPARE THEMSELVES FOR SUCCESSFUL TRANSITION BACK TO THE COMMUNITY;

(II) PROMOTE THE PHYSICAL SAFETY OF YOUTHS AND STAFF WITHIN THE DIVISION;

(III) PROMOTE A SEAMLESS CONTINUUM OF CARE FROM THE TIME OF DETENTION OR COMMITMENT TO DISCHARGE, IN WHICH YOUTHS' NEEDS ARE MET IN A SAFE, STRUCTURED ENVIRONMENT WITH WELL-TRAINED, CARING STAFF WHO HELP YOUTHS IDENTIFY AND ADDRESS THEIR ISSUES, HOLD YOUTHS ACCOUNTABLE FOR THEIR ACTIONS, AND HELP YOUTHS ACCEPT RESPONSIBILITY FOR THEIR ACTIONS;

(IV) ENABLE YOUTHS TO DEVELOP HEALTHY, SUPPORTIVE RELATIONSHIPS WITH PEERS, ADULTS, FAMILY, AND MEMBERS OF THEIR NEIGHBORHOODS AND COMMUNITIES; AND

(V) PROVIDE YOUTHS WITH THE TOOLS NECESSARY TO BECOME LAW-ABIDING, CONTRIBUTING MEMBERS OF THE COMMUNITY UPON THEIR RELEASE.

(2) (a) The division of ~~youth corrections~~ may enter into agreements with the judicial department to combine provision of juvenile parole and probation services. Juvenile probation and parole supervision programs implemented pursuant to such agreements ~~shall~~ MAY not include provisions for supervision of juveniles sentenced to the department of corrections.

~~(b) Repealed:~~

(3) (a) This subsection (3) applies to any individual committed to a juvenile facility and in the custody of the division of ~~youth corrections~~ who is eighteen years of age or older on the date of the next election.

**(4) Pilot program - fund created. (a) Legislative declaration.**  
THE GENERAL ASSEMBLY FINDS THAT:

(I) YOUTHS COMMITTED TO THE CARE OF THE DIVISION DESERVE TO BE TREATED WITH RESPECT AND DIGNITY, USING A THERAPEUTIC APPROACH DELIVERED IN A TREATMENT SETTING WHERE SOCIAL-EMOTIONAL COMPETENCIES ARE LEARNED AND PRACTICED BY YOUTHS AND STAFF;

(II) BECAUSE MANY YOUTHS COMMITTED TO THE CARE OF THE DIVISION HAVE EXPERIENCED TRAUMA, WHICH MAY INCLUDE PHYSICAL AND SEXUAL ABUSE, ABANDONMENT, VIOLENCE IN THEIR HOMES OR IN THEIR COMMUNITIES, OR THE LOSS OF A FAMILY MEMBER AT A YOUNG AGE, THE EXPERIENCE OF A SAFE, HUMANE, AND NURTURING ENVIRONMENT IS NECESSARY FOR YOUTHS TO DEVELOP COPING SKILLS AND THE ABILITY TO TRUST AND FORM HEALTHY RELATIONSHIPS;

(III) ALMOST ALL YOUTHS COMMITTED TO THE DIVISION WILL RETURN TO THE COMMUNITY;

(IV) YOUTHS IN THE DIVISION'S CARE NEED TREATMENT AND TOOLS THAT PREPARE THEM TO SAFELY REJOIN OUR COMMUNITIES;

(V) THE ENVIRONMENT IN THE DIVISION SHOULD BE SAFE, SECURE, AND NONVIOLENT TO PROMOTE BUILDING TRUST AND HEALTHY

RELATIONSHIPS BETWEEN YOUTHS AND STAFF AND TO ALLOW YOUTHS TO GROW AND MATURE RESPONSIBLY;

(VI) RATES OF VIOLENCE AGAINST YOUTHS AND STAFF IN THE DIVISION ARE UNACCEPTABLY HIGH;

(VII) IMPROVEMENTS CAN ALWAYS BE MADE IN THE DIVISION, WHICH STRIVES TO HAVE STAFF AND YOUTHS ENGAGED WITH RESPECT AND DIGNITY AND CREATE AN ENVIRONMENT THAT IS SAFE FOR ALL;

(VIII) DIVISION STAFF HAVE AN EXTREMELY DIFFICULT JOB. THEY MUST RESPOND DAILY TO EXTREMELY TROUBLED YOUTHS, INCLUDING SOME WHO ACT OUT WITH VIOLENCE. EVEN WITH APPROPRIATE STAFF RESPONSE, SOME YOUTHS WILL NEED TO BE PHYSICALLY RESTRAINED.

(IX) DIVISION STAFF WANT TO HELP, AND NOT HURT, YOUTHS;

(X) NONETHELESS, CERTAIN RESTRAINT PRACTICES USED IN YOUTH CORRECTIONS, INCLUDING FULL BODY RESTRAINTS, THE WRAP, SOLITARY CONFINEMENT, PRESSURE-POINT OR PAIN-COMPLIANCE TECHNIQUES, MANIPULATING NERVES, MECHANICAL RESTRAINTS, AND KNEE STRIKES TO THIGHS, BUTTOCKS, AND RIBS ARE PHYSICALLY AND PSYCHOLOGICALLY HARMFUL, DESTRUCTIVE TO RELATIONSHIP BUILDING, AND INCONSISTENT WITH THE THERAPEUTIC, TRAUMA-RESPONSIVE, AND NON-VIOLENT ENVIRONMENT THE DIVISION IS COMMITTED TO CREATING;

(XI) FUNDAMENTAL CULTURAL CHANGE IS NEEDED AT THE DIVISION IN ORDER TO PROVIDE FOR THE SAFETY OF YOUTHS AND STAFF AND TO EFFECTUATE REAL AND LASTING PERSONAL CHANGE FOR THE YOUTHS IN THE DIVISION'S CARE;

(XII) DIVISION STAFF NEED ADDITIONAL TOOLS AND TRAINING TO REDUCE THE USE OF PHYSICAL RESTRAINTS AND TO PROMOTE STRONGER, HEALTHIER RELATIONSHIPS WITH YOUTHS; AND

(XIII) TRANSPARENCY AND ACCOUNTABILITY REGARDING CRITICAL INCIDENTS, FIGHTS, ASSAULTS, RESTRAINTS, AND INJURIES THAT OCCUR IN DIVISION FACILITIES ARE CRITICAL COMPONENTS OF CULTURAL CHANGE.

(b) THE DIVISION SHALL IMPLEMENT A PILOT PROGRAM TO AID IN

THE ESTABLISHMENT OF A DIVISION-WIDE THERAPEUTIC AND REHABILITATIVE CULTURE. THE PILOT PROGRAM WILL TEST THE EFFICACY OF A THERAPEUTIC, GROUP-TREATMENT APPROACH AND THE ABILITY OF THE DIVISION TO KEEP YOUTHS AND STAFF SAFE WITHOUT THE USE OF SECLUSION AND MECHANICAL RESTRAINTS OTHER THAN HANDCUFFS. IN ADMINISTERING THE PILOT PROGRAM, THE DIVISION SHALL:

(I) PROVIDE TREATMENT TO AT LEAST TWENTY YOUTHS COMMITTED TO THE DIVISION'S CARE, DIVIDED INTO GROUPS OF NO MORE THAN TWELVE. IN SELECTING YOUTHS TO PARTICIPATE IN THE PILOT PROGRAM, THE DIVISION SHALL ENSURE THAT THE YOUTHS REFLECT A REPRESENTATIVE CROSS SECTION OF YOUTHS COMMITTED TO THE DIVISION'S CARE WITH RESPECT TO AGE AND HISTORY OF VIOLENCE.

(II) GIVE HIRING OR TRANSFER PREFERENCE TO STAFF WHO AGREE TO WORK AS STAFF IN THE PILOT PROGRAM;

(III) CREATE TEAMS OF YOUTHS AND STAFF BY ASSIGNING EACH STAFF MEMBER TO A GROUP OF YOUTHS, TO WHICH GROUP THE STAFF MEMBER REMAINS ASSIGNED THROUGHOUT THE PILOT PROGRAM;

(IV) REQUIRE STAFF ASSIGNED TO THE PILOT PROGRAM TO BE TRAINED AS YOUTH SPECIALISTS AND HAVE OR ACQUIRE SUBSTANTIAL KNOWLEDGE OF REHABILITATIVE TREATMENT, DE-ESCALATION, ADOLESCENT BEHAVIOR MODIFICATION, TRAUMA, SAFETY, AND PHYSICAL MANAGEMENT TECHNIQUES THAT DO NOT HARM YOUTH; ASSIGN NO STAFF MEMBERS TO THE PILOT PROGRAM SOLELY AS SECURITY STAFF; AND MAINTAIN A RATIO OF STAFF TO YOUTHS THAT MEETS OR EXCEEDS NATIONALLY RECOGNIZED STANDARDS AND REFLECTS BEST PRACTICES;

(V) OPERATE HEALTHY, TRAUMA-RESPONSIVE ORGANIZATIONAL ENVIRONMENTS AS DEMONSTRATED THROUGH PROSOCIAL, SAFE, AND NON-VIOLENT INTERACTION BY:

(A) PRIORITIZING THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF YOUTHS AND STAFF;

(B) MEETING THE BASIC NEEDS OF YOUTHS, WHICH ARE FOOD, CLOTHING, SHELTER, EMOTIONAL AND PHYSICAL SAFETY, BELONGING, AND FAMILY INVOLVEMENT;

(C) CREATING A HUMANE ENVIRONMENT FOR YOUTHS THAT IS NOT INSTITUTIONAL BUT IS HOME-LIKE, HEALTHY, AND THERAPEUTIC;

(D) HOLDING YOUTHS IN THE LEAST RESTRICTIVE ENVIRONMENT POSSIBLE;

(E) EMPHASIZING POSITIVE BEHAVIORAL OUTCOMES WITH THE GOAL OF HELPING YOUTHS TO PROGRESS FROM BEHAVIORAL COMPLIANCE TO INTERNALIZED CHANGE;

(F) UTILIZING THE SMALL GROUP PROCESS AS A PRIMARY METHOD OF PROVIDING TREATMENT SERVICES, WHERE RESOLUTION OF CORE ISSUES AND DEVELOPMENT OF SOCIAL-EMOTIONAL COMPETENCY CAN OCCUR, YOUTH BEHAVIORS ARE VIEWED AS HAVING A CAUSE, AND DETERMINING THE PURPOSE OF A BEHAVIOR IS ESSENTIAL TO THE TREATMENT PROCESS;

(G) TO THE EXTENT POSSIBLE, ENSURING THAT EACH YOUTH IN THE PILOT PROGRAM REMAINS WITH HIS OR HER GROUP AND DEDICATED STAFF MEMBER DURING WAKING HOURS, EXCEPT FOR SPECIALIZED TREATMENT OR EDUCATIONAL SERVICES;

(H) RELYING ON DE-ESCALATION AND RELATIONSHIP-BUILDING TECHNIQUES THAT HELP STAFF MEMBERS AVOID PHYSICAL MANAGEMENT AND RESTRAINT;

(I) PHASING OUT COMPLETELY WITHIN THE FIRST YEAR OF THE PILOT PROGRAM THE USE OF RESTRAINT METHODS THAT PHYSICALLY HARM YOUTHS, INCLUDING STRIKING YOUTHS, USING MECHANICAL RESTRAINTS OTHER THAN HANDCUFFS, AND USING PAIN-COMPLIANCE OR PRESSURE-POINT TECHNIQUES;

(J) PROHIBITING A YOUTH FROM PARTICIPATING IN THE RESTRAINT OF ANOTHER YOUTH;

(K) PHASING OUT COMPLETELY WITHIN THE FIRST YEAR OF THE PILOT PROGRAM THE PRACTICE OF PLACING YOUTHS ALONE IN A ROOM OR AREA BEHIND A LOCKED DOOR FROM WHICH EGRESS IS PREVENTED, EXCEPT DURING SLEEPING HOURS, AND AVOIDING ISOLATION OF YOUTHS FROM THEIR PEERS;

(L) INTEGRATING TRAUMA-RESPONSIVE PRINCIPLES AND PRACTICES INTO ALL ELEMENTS OF PROGRAMMING AND ENSURING THAT ALL STAFF WHO WORK WITH YOUTHS ARE THOROUGHLY TRAINED TO PROVIDE TRAUMA-RESPONSIVE CARE. FOR THE PURPOSES OF THIS SECTION, "TRAUMA-RESPONSIVE" CARE MEANS CARE IN WHICH STAFF ARE TRAINED TO EXPECT THE PRESENCE OF TRAUMA IN THE YOUTHS BEING SERVED, TO RECOGNIZE HOW STAFF RESPONSE AND ORGANIZATIONAL PRACTICES MAY TRIGGER PAINFUL MEMORIES AND RE-TRAUMATIZE YOUTHS WITH TRAUMA HISTORIES, AND TO RESIST TAKING ACTIONS OR USING WORDS THAT RE-TRAUMATIZE YOUTHS.

(M) PROVIDING CONTINUITY OF SERVICES AND RELATIONSHIPS THROUGH A SEAMLESS CASE MANAGEMENT SYSTEM AND ASSIGNMENT OF A DEDICATED CASE MANAGER TO EACH YOUTH, WHICH CASE MANAGER SERVES AS THE PRIMARY ADVOCATE FOR THE YOUTH AND HIS OR HER FAMILY AND WORKS ACTIVELY WITH BOTH THROUGHOUT THE PILOT PROGRAM;

(N) PRIORITIZING FAMILY ENGAGEMENT; AND

(O) FACILITATING COMMUNITY ENGAGEMENT, CONSISTENT WITH PRINCIPLES OF RESTORATIVE JUSTICE;

(VI) CONTRACT THROUGH A COMPETITIVE BID PROCESS WITH AN INDEPENDENT THIRD PARTY TO FACILITATE, COACH, AND TRAIN STAFF AND LEADERSHIP THROUGHOUT THE COURSE OF THE PILOT PROGRAM. THE INDEPENDENT THIRD PARTY MUST HAVE EXPERTISE IN SYSTEMIC CULTURAL TRANSFORMATION OF A YOUTH CORRECTIONAL SYSTEM FROM A PUNITIVE, CORRECTIONAL CULTURE TO A REHABILITATIVE AND THERAPEUTIC CULTURE. THE INDEPENDENT THIRD PARTY MUST HAVE EXPERIENCE TRAINING STAFF IN PROVIDING RELATIONSHIP-BASED, GROUP-CENTERED, TRAUMA-RESPONSIVE CARE AND DECREASING VIOLENCE AGAINST YOUTHS AND STAFF IN FACILITIES. THE INDEPENDENT THIRD PARTY SHALL ASSIST WITH IMPLEMENTATION OF THE PILOT PROGRAM, PROVIDE TRAINING FOR STAFF WORKING IN THE PILOT PROGRAM, AND PROVIDE AT LEAST ONE THREE-QUARTER-TIME TO FULL-TIME CONSULTANT TO PROVIDE ON-THE-GROUND MENTORSHIP, COACHING, AND TRAINING TO PILOT-PROGRAM STAFF MEMBERS THROUGHOUT THE PILOT PROGRAM. THE CONSULTANT SHALL ALSO PROVIDE TRAINING TO THE DIVISION'S LEADERSHIP REGARDING THE PHILOSOPHIES AND TECHNIQUES USED IN THE

PILOT PROGRAM. FOR THE PURPOSES OF THIS SUBSECTION (4)(b)(VI), ON OR BEFORE SEPTEMBER 1, 2017, THE DIVISION SHALL REQUEST PROPOSALS FROM CANDIDATES. THE DIVISION SHALL REQUIRE EACH CANDIDATE TO SUBMIT ITS PROPOSAL TO THE DIVISION ON OR BEFORE NOVEMBER 1, 2017, AND THE DIVISION SHALL CONTRACT WITH A CANDIDATE ON OR BEFORE DECEMBER 1, 2017. ON OR BEFORE JANUARY 1, 2018, THE DIVISION SHALL BEGIN WORKING ACTIVELY WITH THE CONTRACTED INDEPENDENT THIRD PARTY TO TAKE THE NECESSARY STEPS TO COMMENCE THE PILOT PROGRAM AS SOON AS POSSIBLE, WHICH MUST BEGIN TO SERVE YOUTH NO LATER THAN JULY 1, 2018.

(VII) (A) CONTRACT THROUGH A COMPETITIVE BID PROCESS WITH AN INDEPENDENT CONTRACTOR OTHER THAN THE INDEPENDENT THIRD PARTY DESCRIBED IN SUBSECTION (4)(b)(VI) OF THIS SECTION TO EVALUATE THE EFFECTIVENESS AND OUTCOME OF THE PILOT PROGRAM. PRIOR TO THE START OF THE PILOT PROGRAM, THE DIVISION AND THE CONTRACTOR SHALL WORK TOGETHER TO IDENTIFY THE DATA POINTS TO BE COLLECTED THROUGHOUT THE PILOT PROGRAM, WHICH MUST INCLUDE, BUT ARE NOT LIMITED TO, DATA CONCERNING FIGHTS, ASSAULTS ON YOUTH, ASSAULTS ON STAFF, CRITICAL INCIDENTS, RESTRAINTS, MECHANICAL RESTRAINTS, SECLUSION, INJURIES TO YOUTH, INJURIES TO STAFF, CRIMINAL CHARGES FILED AGAINST YOUTH OR STAFF, GRIEVANCES OR COMPLAINTS REGARDING ABUSE THAT HAVE BEEN FILED OR SUSTAINED, STAFF ABSENCES, STAFF TURNOVER, AND YOUTH EDUCATIONAL ACHIEVEMENT. THE DIVISION SHALL COLLECT THE DATA AND MAKE IT AVAILABLE TO THE CONTRACTOR AT THE CONTRACTOR'S REQUEST THROUGHOUT THE PILOT PROGRAM. FOR THE PURPOSES OF THIS SUBSECTION (4)(b)(VII), ON OR BEFORE SEPTEMBER 1, 2017, THE DIVISION SHALL REQUEST PROPOSALS FROM CANDIDATES. THE DIVISION SHALL REQUIRE EACH CANDIDATE TO SUBMIT ITS PROPOSAL TO THE DIVISION ON OR BEFORE NOVEMBER 1, 2017, AND THE DIVISION SHALL CONTRACT WITH A CANDIDATE ON OR BEFORE DECEMBER 1, 2017. NOT LATER THAN NINETY DAYS AFTER THE END OF THE PILOT PROGRAM, THE INDEPENDENT CONTRACTOR DESCRIBED IN THIS SUBSECTION (4)(b)(VII) SHALL ASSESS THE DATA PROVIDED BY THE DIVISION AND COMPLETE A REPORT EVALUATING THE EFFECTIVENESS AND OUTCOMES OF THE PILOT PROGRAM WHEN COMPARED TO ONE OR MORE COMPARABLE POPULATIONS OF YOUTHS IN THE DIVISION. THE DIVISION SHALL PROVIDE THE CONTRACTOR ALL AVAILABLE DATA REQUESTED TO COMPLETE THE REPORT.

(B) THE INDEPENDENT CONTRACTOR, AT LEAST IN PART, SHALL BASE



ITS EVALUATION OF THE EFFECTIVENESS OF THE PILOT PROGRAM UPON WHETHER IT REDUCES THE NUMBER OF FIGHTS, CRITICAL INCIDENTS, ASSAULTS ON YOUTH, ASSAULTS ON STAFF, INJURIES TO YOUTH, AND INJURIES TO STAFF WHEN COMPARED TO COMPARABLE POPULATIONS OF YOUTHS IN THE DIVISION, AND WHETHER IT REDUCES THE NUMBER OF PHYSICAL MANAGERMENTS AND MECHANICAL RESTRAINTS WHEN COMPARED TO COMPARABLE POPULATIONS OF YOUTHS IN THE DIVISION.

(C) NOT LATER THAN NINETY DAYS AFTER THE END OF THE PILOT PROGRAM, THE INDEPENDENT CONTRACTOR SHALL COMPLETE THE REPORT DESCRIBED IN SUBSECTION (4)(b)(II)(A) OF THIS SECTION AND SUBMIT IT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES.

(VIII) PERFORM THE NECESSARY CONSTRUCTION AND RENOVATION, IN CONSULTATION WITH THE INDEPENDENT THIRD PARTY DESCRIBED IN SUBSECTION (4)(b)(VI) OF THIS SECTION, TO CREATE YOUTH RESIDENCES FOR THE PILOT PROGRAM THAT ARE HOME-LIKE AND THERAPEUTIC, INCLUDING HOME-LIKE SLEEPING QUARTERS AND LIVING AND GROUP MEETING AREAS.

(c) (I) THE DIVISION OF YOUTH SERVICES PILOT PROGRAM CASH FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (4)(c)(IV) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(II) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND.

(III) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES DESCRIBED IN THIS SUBSECTION (4).

(IV) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SUBSECTION (4). THE DIVISION SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

(V) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON JULY 1, 2021, TO THE GENERAL FUND.

(d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2021.

**(5) Assessment of the division of youth services - repeal.** (a) ON OR BEFORE DECEMBER 1, 2017, THE DIVISION SHALL CONTRACT WITH AN INDEPENDENT THIRD PARTY OTHER THAN THE INDEPENDENT THIRD PARTIES DESCRIBED IN SUBSECTIONS (4)(b)(VI) AND (4)(b)(VII) OF THIS SECTION TO CONDUCT A PERFORMANCE ASSESSMENT THAT EVALUATES SAFETY IN ALL FACILITIES OF THE DIVISION FOR YOUTHS AND STAFF.

(b) ON THE EFFECTIVE DATE OF THIS SUBSECTION (5), THE DIVISION SHALL COMMENCE PREPARING A REQUEST FOR PROPOSAL TO SOLICIT PROPOSALS FROM INTERESTED PARTIES WHO WISH TO CONTRACT FOR THE PERFORMANCE ASSESSMENT DESCRIBED IN THIS SUBSECTION (5). THE DIVISION SHALL ISSUE THE REQUEST FOR PROPOSAL ON OR BEFORE SEPTEMBER 1, 2017, AND SHALL REQUIRE INTERESTED PARTIES TO SUBMIT THEIR COMPLETED REQUEST FOR PROPOSALS TO THE DIVISION ON OR BEFORE NOVEMBER 1, 2017.

(c) THE GOAL OF THE ASSESSMENT IS TO DETERMINE THE MOST HUMANE AND EFFECTIVE METHODS OR APPROACHES TO KEEPING YOUTH AND STAFF SAFE AND KEEPING VIOLENCE IN FACILITIES TO A MINIMUM. THE ASSESSMENT MUST:

(I) ASSESS THE DIVISION'S DE-ESCALATION, PHYSICAL-MANAGEMENT, AND SAFETY PROTOCOLS AND ACTUAL PRACTICES; ITS TREATMENT APPROACH, INCLUDING ITS FIDELITY TO THE PROVISION OF TRAUMA-RESPONSIVE CARE; AND ITS OVERALL ABILITY TO MAINTAIN THE SAFETY OF YOUTHS AND STAFF;

(II) COMPARE THE DIVISION'S PRACTICES TO BEST PRACTICES IN

OTHER JUVENILE JUSTICE JURISDICTIONS FOR INCARCERATED YOUTHS UP TO TWENTY-ONE YEARS OF AGE REGARDING DE-ESCALATION, SECLUSION, AND PHYSICAL MANAGEMENT, INCLUDING PHYSICAL AND MECHANICAL RESTRAINT METHODS;

(III) COMPARE THE DIVISION'S OUTCOMES TO BEST OUTCOMES FROM YOUTH CORRECTIONAL AGENCIES IN OTHER JUVENILE JUSTICE JURISDICTIONS REGARDING THE FREQUENCY OF FIGHTS, ASSAULTS ON YOUTHS AND STAFF, INJURIES TO YOUTHS AND STAFF, EDUCATION, AND RECIDIVISM AND THE USE OF PHYSICAL MANAGEMENT, MECHANICAL RESTRAINTS, AND SECLUSION; AND

(IV) EVALUATE THE DIVISION'S ADHERENCE IN PRACTICE TO ITS OWN STATED POLICIES AND EXISTING LAW CONCERNING THE USE OF RESTRAINT AND SECLUSION, THE PROVISION OF TRAUMA-RESPONSIVE CARE, AND THE USE OF RESTORATIVE JUSTICE.

(d) IN THE REPORT DESCRIBED IN SUBSECTION (5)(e) OF THIS SECTION, THE INDEPENDENT THIRD PARTY SHALL PROVIDE THE DIVISION WITH COMPREHENSIVE RECOMMENDATIONS FOR ANY CHANGES THE DIVISION CAN MAKE TO ITS POLICIES AND PRACTICES REGARDING DE-ESCALATION, PHYSICAL-MANAGEMENT, AND THE PROVISION OF TRAUMA-RESPONSIVE CARE CONSISTENT WITH BEST PRACTICES, WHILE AVOIDING HARMING YOUTHS IN THE DIVISION'S CUSTODY.

(e) ON OR BEFORE MAY 1, 2018, THE INDEPENDENT THIRD PARTY SHALL COMPLETE ITS ASSESSMENT AND SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES.

(f) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2018.

**SECTION 2.** In Colorado Revised Statutes, add 19-2-203.5 as follows:

**19-2-203.5. Division of youth services - community boards.**

(1) THERE IS CREATED IN EACH REGION OF THE DIVISION OF YOUTH

SERVICES A COMMUNITY BOARD TO:

(a) PROMOTE TRANSPARENCY AND COMMUNITY INVOLVEMENT IN DIVISION FACILITIES WITHIN THE REGION;

(b) PROVIDE OPPORTUNITIES FOR YOUTHS TO BUILD POSITIVE RELATIONSHIPS WITH ADULT ROLE MODELS; AND

(c) PROMOTE YOUTH INVOLVEMENT IN THE COMMUNITY.

(2)(a) EACH COMMUNITY BOARD MUST INCLUDE SIX MEMBERS WITH A DIVERSE ARRAY OF EXPERIENCE AND PERSPECTIVES RELATED TO INCARCERATED YOUTHS. EACH MEMBER OF EACH BOARD SHALL BE A RESIDENT OF, OR WORK WITHIN, THE REGION IN WHICH HE OR SHE SERVES.

(b) THE GOVERNOR OR HIS OR HER DESIGNEE SHALL APPOINT EACH MEMBER OF EACH BOARD TO A TERM OF THREE YEARS, AND EACH MEMBER MAY SERVE AN UNLIMITED NUMBER OF TERMS. EACH MEMBER MUST SERVE WITHOUT COMPENSATION.

(c) A MEMBER OF A COMMUNITY BOARD MAY NOT BE EMPLOYED BY THE DEPARTMENT OF HUMAN SERVICES OR THE DIVISION OF YOUTH SERVICES.

(d) EACH COMMUNITY BOARD SHALL ELECT A CHAIR AND A VICE-CHAIR FROM AMONG ITS MEMBERS.

(e) EACH COMMUNITY BOARD SHALL MEET AT LEAST ONCE EVERY THREE MONTHS. THE CHAIR OF EACH COMMUNITY BOARD MAY CALL SUCH ADDITIONAL MEETINGS AS ARE NECESSARY FOR THE COMMUNITY BOARD TO ACCOMPLISH ITS DUTIES.

(3)(a) LEADERSHIP AND STAFF MEMBERS OF THE DEPARTMENT OF HUMAN SERVICES AND THE DIVISION OF YOUTH SERVICES, AS WELL AS REPRESENTATIVES OF AN ORGANIZATION IN COLORADO THAT EXISTS FOR THE PURPOSE OF DEALING WITH THE STATE AS AN EMPLOYER CONCERNING ISSUES OF MUTUAL CONCERN BETWEEN EMPLOYEES AND THE STATE, ARE INVITED TO ATTEND COMMUNITY BOARD MEETINGS TO PROVIDE THEIR PERSPECTIVES.

(b) A MANAGEMENT-LEVEL EMPLOYEE OF EACH FACILITY IN EACH REGION SHALL ATTEND EACH MEETING OF THEIR REGIONAL COMMUNITY BOARD. AT LEAST ONCE EVERY THREE MONTHS, A REPRESENTATIVE OF THE DIVISION OF YOUTH SERVICES SHALL UPDATE THE COMMUNITY BOARD REGARDING NEW POLICIES, PRACTICES, AND PROGRAMS AFFECTING THE REGION AND ANY ISSUES OF CONCERN IN THE REGION DURING THE PAST QUARTER.

(4) THE DIVISION SHALL ALLOW BOARD MEMBERS TO HAVE PERIODIC ACCESS TO ENTER FACILITIES IN THEIR REGIONS ON AT LEAST A QUARTERLY BASIS AND SPEAK WITH YOUTHS AND STAFF, UNLESS AN EMERGENCY PREVENTS SUCH ACCESS.

**SECTION 3.** In Colorado Revised Statutes, 19-1-103, **amend** the introductory portion; and **add** (113) as follows:

**19-1-103. Definitions.** As used in this title TITLE 19 or in the specified portion of this title TITLE 19, unless the context otherwise requires:

(113) "YOUTH" MEANS AN INDIVIDUAL WHO IS LESS THAN TWENTY-ONE YEARS OF AGE.

**SECTION 4.** In Colorado Revised Statutes, 26-20-106, **amend** (2) introductory portion, (2)(k), (3) introductory portion, (4), and (6) as follows:

**26-20-106. Documentation requirements for restraint and seclusion - adults and youth.** (2) The division of youth ~~corrections~~ SERVICES shall maintain the following documentation each time a youth is placed in seclusion as a result of an emergency in any secure state-operated or state-owned facility:

(k) The written approval by the director of the division of youth ~~corrections~~ SERVICES for any seclusion that results from an emergency that extends beyond four consecutive hours, as required by section 26-20-104.5. This written approval must include documentation of specific facts to demonstrate that the emergency was ongoing and specific reasons why a referral to a mental health facility was not warranted.

(3) The division of youth ~~corrections~~ SERVICES shall maintain the following documentation each time one or more youths are placed in confinement for administrative reasons pursuant to section 26-20-104.5 (3) in a secure state-operated or state-owned facility:

(4) On or before January 1, 2017, and on or before July 1, 2017, and every January 1 and July 1 thereafter, the division of youth ~~corrections~~ SERVICES shall report on its use of RESTRAINT OR seclusion in any secure state-operated or state-owned facility to the youth RESTRAINT AND seclusion working group established in section 26-20-110. The January report must include information from March 1 through August 31, and the July report must include information from September 1 through the last day of February. The reports must include the following:

(a) An incident report on any use of seclusion on a youth due to an emergency for more than four consecutive hours, or for more than eight total hours in two consecutive calendar days. Each incident report must include length of seclusion, specific facts that demonstrate that the emergency was ongoing, any incidents of self-harm while in seclusion, the reasons why attempts to process the youth out of seclusion were unsuccessful, and any corrective measures taken to prevent lengthy or repeat periods of seclusion in the future. To protect the privacy of the youth, the division of youth ~~corrections~~ SERVICES shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred.

(b) A report that lists the following aggregate information, both as combined totals and totals by facility for all secure state-operated or state-owned facilities:

(I) The total number of youth YOUTHS held in seclusion OR RESTRAINT due to an emergency;

(II) The total number of incidents of seclusion OR RESTRAINT due to an emergency;

(III) The average time in seclusion OR RESTRAINT per incident; and

(IV) An aggregate summary of race, age, and gender of youth YOUTHS held in seclusion or RESTRAINT; AND

(V) THE TYPE OF RESTRAINT OR RESTRAINTS USED IN EACH INCIDENT; AND

(c) AN INCIDENT REPORT FOR ANY YOUTH WHOM THE DIVISION ISOLATES FROM HIS OR HER PEERS FOR MORE THAN EIGHT HOURS IN TWO CONSECUTIVE CALENDAR DAYS. EACH INCIDENT REPORT MUST INCLUDE THE AGE, RACE, AND GENDER OF THE YOUTH; THE NAME OF THE FACILITY; THE LENGTH OF TIME THAT THE YOUTH WAS ISOLATED FROM HIS OR HER PEERS; AND THE JUSTIFICATION FOR THE ISOLATION ON AN HOUR-BY-HOUR BASIS. TO PROTECT THE PRIVACY OF THE YOUTH, THE DIVISION SHALL REDACT ALL PRIVATE MEDICAL OR MENTAL HEALTH INFORMATION AND PERSONAL IDENTIFYING INFORMATION, INCLUDING, IF NECESSARY, THE FACILITY AT WHICH THE SECLUSION OCCURRED. IF THE DIVISION HAS PREPARED AN INCIDENT REPORT OF AN INCIDENT INVOLVING SECLUSION PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, THE DIVISION IS NOT REQUIRED TO INCLUDE A REPORT OF THE SAME INCIDENT PURSUANT TO THIS SUBSECTION (4)(c).

(6) Prior to January 1, 2018, the division of youth ~~corrections~~ SERVICES shall meet the requirements of this section to the extent that it is able using its current reporting mechanisms. The division of youth ~~corrections~~ SERVICES shall fully comply with all requirements of this section on or before January 1, 2018.

**SECTION 5.** In Colorado Revised Statutes, 26-20-110, **amend** (1), (2), (3), (4), and (6) as follows:

**26-20-110. Youth restraint and seclusion working group - membership - purpose - repeal.** (1) There is established within the division of youth ~~corrections~~ SERVICES a youth RESTRAINT AND seclusion working group, referred to in this section as the "working group". The working group consists of:

(a) The director of the office of children, youth, and families in the division of child welfare within the state department, or his or her designee. The director shall convene the working group and serve as chair.

(b) The director of the division of youth ~~corrections~~ SERVICES, or his or her designee;

(c) The director of behavioral health within the division of youth ~~corrections~~ SERVICES, or his or her designee;

(d) The director of the office of behavioral health within the state department, or his or her designee;

(e) An employee of the division of youth ~~corrections~~ SERVICES who is a representative of an organization in Colorado that exists for the purpose of dealing with the state as an employer concerning issues of mutual concern between employees and the state, as appointed by the governor;

(f) Two representatives from nonprofit advocacy groups that work to restrict RESTRAINT OR seclusion for youth or that represent children within the custody of the division of youth ~~corrections~~ SERVICES, one who is appointed by the speaker of the house of representatives and one who is appointed by the president of the senate; ~~and~~

(g) Two experts independent from the division of youth ~~corrections~~ SERVICES with expertise in adolescent development, adolescent brain development, ~~trauma-informed~~ TRAUMA-RESPONSIVE care of juveniles, positive behavior incentives in a juvenile correctional setting, evidence-based de-escalation techniques, or the negative effects of seclusion on the adolescent brain. The minority leader of the house of representatives shall appoint one expert and the minority leader of the senate shall appoint the other expert; AND

(h) A PERSON WHO DOES NOT WORK FOR THE DEPARTMENT OR FOR THE DIVISION OF YOUTH SERVICES AND WHO HAS WORKED AS A STAFF MEMBER OR AS A SENIOR EXECUTIVE IN YOUTH CORRECTIONS AND WHO HAS EXPERIENCE WORKING TO ESTABLISH A REHABILITATIVE AND THERAPEUTIC CULTURE IN ONE OR MORE JUVENILE JUSTICE FACILITIES, TO BE APPOINTED BY THE GOVERNOR OR HIS OR HER DESIGNEE.

(2) The working group shall advise the division of youth ~~corrections~~ ~~on~~ SERVICES CONCERNING policies, procedures, and best practices related to RESTRAINT AND seclusion and alternatives to ~~such~~ RESTRAINT AND seclusion.

(3) The working group shall monitor the division of youth ~~corrections'~~ SERVICES' use of confinement for administrative purposes. The



division of youth ~~corrections~~ SERVICES shall share with the working group, on an ongoing basis, available data regarding time spent in confinement by youth YOUTHS for administrative reasons, as described in section 26-20-104.5 (3), in any secure state-operated and state-owned facility. If necessary, the working group may make recommendations to the division of youth ~~corrections~~ SERVICES and TO the public health care and human services committee of the house of representatives and the health and human services committee of the senate, or any successor committees, about the use of confinement for administrative purposes.

(4) The working group may request, on a semiannual basis, information and data from the state department on the status of the division of youth ~~corrections~~' SERVICES' work related to the RESTRAINT AND seclusion of youth YOUTHS in their care and custody.

(6) The chair shall provide the working group with semiannual updates on the division of youth ~~corrections~~' SERVICES' policies related to RESTRAINT AND seclusion and alternatives to RESTRAINT AND seclusion.

**SECTION 6.** In Colorado Revised Statutes, 19-1-304, **amend** (8)(b) introductory portion, (8)(b)(V), (8)(c), and (8)(d) as follows:

**19-1-304. Juvenile delinquency records - division of youth services critical incident information - definitions.** (8) **Division of youth services critical incident information.** (b) The department of human services, the division of youth ~~corrections~~ SERVICES, or any agency with relevant information shall release the following information related to any critical incident, or aggregate of critical incidents, that occurred in a facility operated by the division of youth ~~corrections~~ SERVICES upon request so long as the disclosing agency, EXCEPT AS DESCRIBED IN SUBSECTION (8)(b)(V) OF THIS SECTION, redacts any identifying information, any information concerning security procedures or protocols, and any information that would jeopardize the safety of the community, youth YOUTHS, or staff:

(V) A summary of any critical incident that has occurred, WHICH SUMMARY MUST INCLUDE A SUMMARY OF ANY USE OF FORCE ON A YOUTH, INCLUDING ANY PHYSICAL-MANAGEMENT TECHNIQUES OR RESTRAINTS UTILIZED AND ANY SECLUSION OF A YOUTH. THE DIVISION SHALL NOT REDACT THE INFORMATION OTHER THAN TO PROTECT THE PERSONAL

IDENTIFYING INFORMATION OF ANY INDIVIDUAL.

(c) The division of youth ~~corrections~~ SERVICES, the department of human services, or any agency with relevant information related to a critical incident shall provide redacted records related to the critical incident, provided confidentiality is maintained. ~~and THE DIVISION may charge a fee in accordance with section 24-72-205. C.R.S.~~

(d) The division of youth ~~corrections~~ SERVICES may release to the public information at any time to correct inaccurate information pertaining to the critical incident that was reported in the news media, so long as the release of information by the division protects the confidentiality of any youth involved; is not explicitly in conflict with federal law; is not contrary to the best interest of the child who is the subject of the report, or his or her siblings; is in the public's best interest; and is consistent with the federal "Child Abuse Prevention and Treatment Reauthorization Act of 2010", Pub.L. 111-320.

**SECTION 7.** In Colorado Revised Statutes, 19-2-508, **amend** (3)(c)(IV), (3)(c)(V), and (7) as follows:

**19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions.**  
(3) (c) (IV) After charges are filed directly in district court against a juvenile pursuant to section 19-2-517 or a juvenile is transferred to district court pursuant to section 19-2-518, the division of youth ~~corrections~~ SERVICES may petition the district court to transport the juvenile to an adult jail. The district court shall hold a hearing on the place of pretrial detention for the juvenile as soon as practicable, but no later than ~~twenty~~ TWENTY-ONE days after the receipt of the division's petition to transport. The district attorney, sheriff, or juvenile may file a response to the petition and participate in the hearing. The juvenile shall remain in a juvenile detention facility pending hearing and decision by the district court.

(V) If a juvenile is placed in the division of youth ~~corrections~~ SERVICES and is being tried in district court, the division of youth ~~corrections~~ SERVICES may petition the court for ~~a forthwith~~ AN IMMEDIATE hearing to terminate juvenile detention placement if the juvenile's placement in a juvenile detention facility presents an imminent danger to the other juveniles or to staff at the detention facility. In making its

determination, the court shall review the factors set forth in ~~subparagraph (III) of this paragraph (c)~~ SUBSECTION (3)(c)(III) OF THIS SECTION.

(7) Any law enforcement officer, employee of the division of youth ~~corrections~~ SERVICES, or another person acting under the direction of the court who in good faith transports any juvenile, releases any juvenile from custody pursuant to a written policy of a court, releases any juvenile pursuant to any written criteria established pursuant to this ~~title~~ TITLE 19, or detains any juvenile pursuant to court order or written policy or criteria established pursuant to this ~~title shall be~~ TITLE 19 IS immune from civil or criminal liability that might otherwise result by reason of such act. For purposes of any proceedings, civil or criminal, the good faith of any such person ~~shall be~~ IS presumed.

**SECTION 8.** In Colorado Revised Statutes, 19-2-411.5, **amend** (5) as follows:

**19-2-411.5. Juvenile facility - contract for operation.** (5) (a) On an annual basis, the department of human services shall calculate the recidivism rate AND EDUCATIONAL OUTCOMES for committed juveniles in the custody of the department of human services who complete the program offered by ~~the~~ EACH facility. In calculating the recidivism rate, the department of human services shall include any juvenile who commits a criminal offense, either as a juvenile or as an adult, within three years after leaving the facility. The department of human services shall report the recidivism rate AND EDUCATIONAL OUTCOMES to the general assembly.

(b) THE STATE AUDITOR, AS PROVIDED IN SECTION 2-3-124, SHALL AUDIT THE REPORTS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION FOR ACCURACY AND QUALITY.

**SECTION 9.** In Colorado Revised Statutes, **add** 2-3-124 as follows:

**2-3-124. Audits of reports of recidivism and educational outcomes by the division of youth services.** ON OR BEFORE JANUARY 1, 2019, AND ON OR BEFORE JANUARY 1, 2024, THE STATE AUDITOR SHALL AUDIT THE REPORTS OF RECIDIVISM RATES AND EDUCATIONAL OUTCOMES FOR YOUTHS COMMITTED TO THE DIVISION OF YOUTH SERVICES IN THE STATE DEPARTMENT OF HUMAN SERVICES, WHICH REPORTS ARE PROVIDED

PURSUANT TO SECTION 19-2-411.5 (5). EACH SUCH AUDIT MUST EXAMINE THE DIVISION'S REPORTS DURING THE PRECEDING FIVE YEARS FOR ACCURACY AND QUALITY. AFTER JANUARY 1, 2024, THE STATE AUDITOR, AT HIS OR HER DISCRETION, MAY CONDUCT ADDITIONAL AUDITS OF THE DIVISION OF YOUTH SERVICES.

**SECTION 10.** In Colorado Revised Statutes, 24-75-402, **amend** (5)(jj) and (5)(kk); and **add** (5)(mm) as follows:

**24-75-402. Cash funds - limit on uncommitted reserves - reduction in amount of fees - exclusions - repeal.** (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(jj) The licensing services cash fund created in section 42-2-114.5 (1); ~~C.R.S.~~; and

(kk) The cybersecurity cash fund created in section 24-33.5-1906;  
AND

(mm) THE DIVISION OF YOUTH SERVICES PILOT PROGRAM CASH FUND CREATED IN SECTION 19-2-203 (4).

**SECTION 11.** In Colorado Revised Statutes, 1-2-210.5, **amend** (1) and (5)(a) as follows:

**1-2-210.5. Registration of and voting by persons in custody of division of youth services - definitions.** (1) In the case of any individual committed to a juvenile facility and in the custody of the division of youth ~~corrections~~ SERVICES in the department of human services created in section 19-2-203 (1) ~~C.R.S.~~, who is eighteen years of age or older on the date of the next election, the administrator of the facility in which the individual is committed shall facilitate the registration for voting purposes of, and voting by, the individual. In connection with this requirement, the administrator shall provide the individual information regarding his or her voting rights and how the individual may register to vote and cast a mail ballot, provide the individual with voter information materials upon the request of the individual, and ensure that any mail ballot cast by the individual is timely delivered to the designated election official.

(5) As used in this section:

(a) "Administrator" means the administrator, or his or her designee, of the division of youth ~~corrections~~ SERVICES created in section 19-2-203 (1), ~~C.R.S.~~, a residential facility operated by the division of youth ~~corrections~~ SERVICES, or a residential facility that contracts with the division of youth ~~corrections~~ SERVICES in which a person committed to the department of human services is confined and eligible to register to vote and cast a ballot.

**SECTION 12.** In Colorado Revised Statutes, 2-3-208, **amend** (3)(b)(I) as follows:

**2-3-208. Budget requests - amendments - supplemental appropriation requests - deadlines - definitions.** (3) (b) (I) The department of education shall submit a request for a supplemental appropriation pursuant to section 22-54-106 (4)(b) ~~C.R.S.~~, to the joint budget committee by January 15. The department of corrections and the division of youth ~~corrections~~ SERVICES in the department of human services shall each submit a request for a supplemental appropriation related to changes in caseload to the joint budget committee by January 15.

**SECTION 13.** In Colorado Revised Statutes, 2-3-1203, **amend** (15)(a) introductory portion and (15)(a)(V) as follows:

**2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal.** (15) (a) The following statutory authorizations for the designated advisory committees ~~will repeal~~ ARE SCHEDULED FOR REPEAL on September 1, 2024:

(V) The youth RESTRAINT AND seclusion working group in the division of youth ~~corrections~~ SERVICES created in section 26-20-110. ~~C.R.S.~~

**SECTION 14.** In Colorado Revised Statutes, 16-11.7-103, **amend** (1) introductory portion and (1)(c)(II) as follows:

**16-11.7-103. Sex offender management board - creation - duties - repeal.** (1) There is hereby created in the department of public safety a sex offender management board that ~~shall consist~~ CONSISTS of twenty-five members. The membership of the board ~~shall~~ MUST reflect, to the extent

possible, representation of urban and rural areas of the state and a balance of expertise in adult and juvenile issues relating to persons who commit sex offenses. The membership of the board ~~shall consist~~ CONSISTS of the following persons who ~~shall be~~ ARE appointed as follows:

(c) The executive director of the department of human services shall appoint three members as follows:

(II) One member who represents the division of youth ~~corrections~~ SERVICES in the department of human services; and

**SECTION 15.** In Colorado Revised Statutes, 16-11.9-102, **amend** (2) introductory portion as follows:

**16-11.9-102. Mental illness screening - standardized process - development.** (2) In conjunction with the development of a standardized mental illness screening procedure for the adult criminal justice system as specified in subsection (1) of this section, the judicial department, the division of youth ~~corrections~~ SERVICES within the department of human services, the unit responsible for child welfare services within the department of human services, the unit within the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, the division of criminal justice within the department of public safety, and the department of corrections shall cooperate to develop a standardized screening procedure for the assessment of mental illness in juveniles who are involved in the juvenile justice system. The standardized screening procedure shall include, but is not limited to:

**SECTION 16.** In Colorado Revised Statutes, 16-20.5-102, **amend** the introductory portion and (10) as follows:

**16-20.5-102. Definitions.** As used in this ~~article~~ ARTICLE 20.5, unless the context otherwise requires:

(10) "TRAILS" means the case management system of the division of youth ~~corrections~~ SERVICES of the department of human services.

**SECTION 17.** In Colorado Revised Statutes, 16-22-103, **amend** (4) as follows:

**16-22-103. Sex offender registration - required - applicability - exception.** (4) The provisions of this ~~article shall~~ ARTICLE 22 apply to any person who receives a disposition or is adjudicated a juvenile delinquent based on the commission of any act that may constitute unlawful sexual behavior or who receives a deferred adjudication based on commission of any act that may constitute unlawful sexual behavior; except that, with respect to section 16-22-113 (1)(a) to (1)(e), a person may petition the court for an order to discontinue the duty to register as provided in those paragraphs, but only if the person has not subsequently received a disposition for, been adjudicated a juvenile delinquent for, or been otherwise convicted of any offense involving unlawful sexual behavior. In addition, the duty to provide notice to a person of the duty to register, as set forth in sections 16-22-105 to 16-22-107, ~~shall apply~~ APPLIES to juvenile parole and probation officers and appropriate personnel of the division of youth ~~corrections~~ SERVICES in the department of human services.

**SECTION 18.** In Colorado Revised Statutes, **amend** 17-31-101 as follows:

**17-31-101. Legislative declaration.** The general assembly hereby finds it necessary to provide for and encourage the implementation of programs within the state's correctional facilities, the probation division of the judicial department, the parole division within the department of corrections, the division of youth ~~corrections~~ SERVICES within the department of human services, and the department of public safety that enable volunteers to effectively assist with the rehabilitation and transition of adult and juvenile offenders. The general assembly ~~further finds that~~ ENCOURAGES the maximum use of volunteers ~~should be encouraged~~ to complement the regular staffs of such adult ~~and juvenile~~ corrections, parole, ~~and~~ probation, AND JUVENILE SERVICES divisions and ~~that~~ ENCOURAGES volunteers ~~should be encouraged~~ to participate in existing programs for adult and juvenile offenders in those divisions. The general assembly finds that such volunteers should be allowed, where practical and within the safety and security requirements of the applicable institution or program, to meet with and freely communicate with offenders to assist with the rehabilitation and transition of such offenders, in order to establish support groups and systems outside of the correctional facility.

**SECTION 19.** In Colorado Revised Statutes, 17-31-102, **amend** the introductory portion and (2) as follows:

**17-31-102. Definitions.** As used in this ~~article~~ ARTICLE 31, unless the context otherwise requires:

(2) "Division" means the division or department directing or administering any public or private correctional institution or detention facility in which offenders are housed or treated, any probation program within each judicial district, or any juvenile or adult parole program, including but not limited to, the judicial department, the department of public safety and the division of criminal justice therein, the department of corrections and the division of adult parole therein, and the department of human services and the division of youth ~~corrections~~ SERVICES therein.

**SECTION 20.** In Colorado Revised Statutes, 17-31-103, **amend** (1)(d) as follows:

**17-31-103. Volunteers - rehabilitation and transition - programs.** (1) Each division shall facilitate, where practicable, the use of volunteers to assist and participate in the development and implementation of programs for the rehabilitation and transition of and growth of support groups and systems for adult and juvenile offenders in the following institutions and programs:

(d) The juvenile parole program of the division of youth ~~corrections~~ SERVICES within the department of human services;

**SECTION 21.** In Colorado Revised Statutes, 18-1.3-107, **amend** (4)(a) as follows:

**18-1.3-107. Sentencing order - collateral relief - definitions.** (4) (a) Notwithstanding any other provision of law, an order of collateral relief cannot relieve any collateral consequences imposed by law for licensure by the department of education or any collateral consequences imposed by law for employment with the judicial branch, the department of corrections, division of youth ~~corrections~~ SERVICES in the department of human services, or any other law enforcement agency in the state of Colorado.

**SECTION 22.** In Colorado Revised Statutes, 18-1.3-213, **amend** (4)(a) as follows:



**18-1.3-213. Sentencing order - collateral relief - definitions.**

(4) (a) Notwithstanding any other provision of law, an order of collateral relief cannot relieve any collateral consequences imposed by law for licensure by the department of education or any collateral consequences imposed by law for employment with the judicial branch, the department of corrections, division of youth ~~corrections~~ SERVICES in the department of human services, or any other law enforcement agency in the state of Colorado.

**SECTION 23.** In Colorado Revised Statutes, 18-1.3-303, **amend** (4)(a) as follows:

**18-1.3-303. Sentencing order - collateral relief - definitions.**

(4) (a) Notwithstanding any other provision of law, an order of collateral relief cannot relieve any collateral consequences imposed by law for licensure by the department of education or any collateral consequences imposed by law for employment with the judicial branch, the department of corrections, division of youth ~~corrections~~ SERVICES in the department of human services, or any other law enforcement agency in the state of Colorado.

**SECTION 24.** In Colorado Revised Statutes, 18-1.9-101, **amend** (1)(c) as follows:

**18-1.9-101. Legislative declaration.** (1) The general assembly hereby finds that:

(c) The Colorado division of youth ~~corrections~~ SERVICES estimates that twenty-four percent of juveniles in the juvenile justice system are diagnosed with mental illness;

**SECTION 25.** In Colorado Revised Statutes, 18-1.9-104, **amend** (1)(c)(IV)(B) as follows:

**18-1.9-104. Task force concerning treatment of persons with mental illness in the criminal and juvenile justice systems - creation - membership - duties.** (1) **Creation.** (c) The chair and vice-chair of the committee shall appoint twenty-eight members as follows:

(IV) Five members who represent the department of human

services, as follows:

(B) One member who represents the division of youth ~~corrections~~ SERVICES;

**SECTION 26.** In Colorado Revised Statutes, 18-8-208, **amend** (4.5) as follows:

**18-8-208. Escapes.** (4.5) A person commits a class 3 misdemeanor if he or she has been committed to the division of youth ~~corrections~~ SERVICES in the department of human services for a delinquent act, is over eighteen years of age, and escapes from a staff secure facility as defined in section 19-1-103 (101.5), ~~C.R.S.~~, other than a state-operated locked facility.

**SECTION 27.** In Colorado Revised Statutes, 19-1-103, **amend** the introductory portion and (69) as follows:

**19-1-103. Definitions.** As used in this ~~title~~ TITLE 19 or in the specified portion of this ~~title~~ TITLE 19, unless the context otherwise requires:

(69) "Juvenile community review board", as used in article 2 of this ~~title~~ TITLE 19, means any board appointed by a board of county commissioners for the purpose of reviewing community placements under article 2 of this ~~title~~ TITLE 19. The board, if practicable, shall include but not be limited to a representative from a county department of social services, a local school district, a local law enforcement agency, a local probation department, a local bar association, the division of youth ~~corrections~~ SERVICES, and private citizens.

**SECTION 28.** In Colorado Revised Statutes, 19-2-205, **amend** (1) as follows:

**19-2-205. Facility directors - duties.** (1) THE DIRECTOR OF THE DIVISION OF YOUTH SERVICES SHALL APPOINT a director of each state-operated facility established by section 19-2-403 and sections 19-2-406 to 19-2-408 ~~shall be appointed by the director of the division of youth corrections~~ pursuant to section 13 of article XII of the state constitution.

**SECTION 29.** In Colorado Revised Statutes, 19-2-209, **amend** (1), (2), and (3) as follows:

**19-2-209. Juvenile parole - organization.** (1) Juvenile parole services ~~shall be~~ ARE administered by the division of youth ~~corrections~~ SERVICES in the department of human services, under the direction of the director of the division of youth ~~corrections~~ SERVICES, appointed pursuant to section 19-2-203.

(2) THE DIRECTOR OF THE DIVISION SHALL APPOINT juvenile parole officers and other personnel of the division of youth ~~corrections~~ ~~shall be~~ appointed by the director of the division of youth ~~corrections~~ SERVICES pursuant to section 13 of article XII of the state constitution and with the consent of the department of human services. Juvenile parole officers ~~shall~~ have the powers and duties specified in part 10 of this article ARTICLE 2 and ~~shall have~~ the powers of peace officers, as described in sections 16-2.5-101 and 16-2.5-138. ~~C.R.S.~~

(3) The division of youth ~~corrections~~ SERVICES may divide juvenile parole supervision into regions throughout the state. Within each region there may be more than one office location for parole officers.

**SECTION 30.** In Colorado Revised Statutes, **amend** 19-2-211 as follows:

**19-2-211. Local juvenile services planning committee - creation - duties.** If all of the boards of commissioners of each county or the city council of each city and county in a judicial district agree, there ~~shall~~ MAY be created in the judicial district a local juvenile services planning committee that ~~shall be~~ IS appointed by the chief judge of the judicial district or, for the second judicial district, the presiding judge of the Denver juvenile court from persons recommended by the boards of commissioners of each county or the city council of each city and county within the judicial district. The committee, if practicable, ~~shall~~ MUST include, but need not be limited to, a representative from the county department of social services, a local school district, a local law enforcement agency, a local probation department, the division of youth ~~corrections~~ SERVICES, private citizens, the district attorney's office, and the public defender's office and a community mental health representative and a representative of the concerns of municipalities. The committee, if created, shall meet as

necessary to develop a plan for the allocation of resources for local juvenile services within the judicial district for the fiscal year. The committee is strongly encouraged to consider programs with restorative justice components when developing the plan. The plan ~~shall~~ MUST be approved by the department of human services. A local juvenile services planning committee may be consolidated with other local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

**SECTION 31.** In Colorado Revised Statutes, 19-2-213, **amend** (2)(b) as follows:

**19-2-213. Restorative justice coordinating council - establishment - membership - repeal.** (2) The restorative justice coordinating council includes, at a minimum, the following:

(b) A representative from the division of youth ~~corrections~~ SERVICES in the department of human services who ~~shall be~~ IS appointed by the executive director of the department of human services;

**SECTION 32.** In Colorado Revised Statutes, 19-2-214, **amend** (1) introductory portion as follows:

**19-2-214. Detention center sexual assault prevention program.** (1) The division of youth ~~corrections~~ SERVICES created in section 19-2-203 shall develop, with respect to sexual assaults that occur in juvenile facilities, policies and procedures to:

**SECTION 33.** In Colorado Revised Statutes, 19-2-307, **amend** (2) as follows:

**19-2-307. Juvenile intensive supervision program - elements.** (2) The judicial department, ~~shall be assisted in developing~~ WITH THE ASSISTANCE OF A JUVENILE INTENSIVE SUPERVISION ADVISORY COMMITTEE, SHALL DEVELOP assessment criteria for placement in the juvenile intensive supervision program and judicial department guidelines for implementation of the program and measurement of the outcome of the program. ~~by a juvenile intensive supervision advisory committee. Such~~ THE advisory committee ~~shall be~~ IS appointed by the state court administrator and ~~shall include, but shall not be~~ INCLUDES, BUT IS NOT limited to, representatives of the division of youth ~~corrections~~ SERVICES in the department of human

services and the division of criminal justice of the department of public safety.

**SECTION 34.** In Colorado Revised Statutes, 19-2-309.5, amend (2)(a), (2)(c), (2)(d), (2)(e), (3), (4)(a) introductory portion, (4)(a)(II) introductory portion, (5), (6), and (8) as follows:

**19-2-309.5. Community accountability program - legislative declaration - creation.** (2)(a) The division of youth ~~corrections~~ SERVICES, pursuant to a contract with one or more private entities, shall establish, maintain, and operate a community accountability program, referred to in this section as the "program".

(c) A sentence imposed pursuant to this section ~~shall be~~ IS conditioned on the availability of space in the program and the division of youth ~~corrections'~~ SERVICES' determination of whether the juvenile's participation in the program is appropriate. A juvenile may be denied participation in the program upon a determination by the division that a physical or mental condition, including severe substance abuse, will prevent the juvenile's full participation in the program. Any juvenile denied participation in the program ~~shall~~ MUST be returned to the juvenile court for resentencing.

(d) The judicial department shall provide information to the division of youth ~~corrections~~ SERVICES concerning sentencing of the juvenile, including but not limited to the juvenile's criminal history, the presentence investigation report, the risk-need assessment, and demographics pertaining to the juvenile.

(e) The program ~~shall~~ MUST be established for up to eighty beds. Under the contract entered into pursuant to ~~paragraph (a) of this subsection~~ (2) SUBSECTION (2)(a) OF THIS SECTION, the division of youth ~~corrections~~ SERVICES shall pay only for the actual number of juveniles placed in the program.

(3) If feasible, the program may be established regionally, one in each of the division of youth ~~corrections'~~ SERVICES' regions. The division, through a competitive bid process, shall select one or more private entities to operate the program.

(4) (a) The program ~~shall consist~~ CONSISTS of two integrated components. Each selected entity shall provide both components within the contracted region as follows:

(II) **Component II.** THE DIVISION OF YOUTH SERVICES SHALL ADMINISTER component II, ~~shall be administered by the division of youth corrections and shall consist~~ WHICH CONSISTS of a community reintegration phase. FOR each juvenile entering component II, THE DEPARTMENT OF YOUTH SERVICES AND THE LOCAL PROBATION DEPARTMENT shall have JOINTLY ESTABLISH a reintegration plan. ~~jointly established by the division of youth corrections and the local probation department.~~ Component II may contain, but need not be limited to, the following program elements:

(5) If a juvenile in the first component of the program would substantially benefit, the division of youth ~~corrections~~ SERVICES shall notify the local department of probation who may petition the court for an extension of up to fifteen days in addition to the initial sixty-day period for the first component of the program. The period of time a juvenile spends in the second component of the program ~~shall~~ MUST not exceed one hundred twenty days. The entire period of a juvenile's participation in the program ~~shall~~ MUST not exceed the length of the juvenile's probation sentence. Whenever a juvenile fails to progress through or complete the first or second component of the program, the juvenile ~~shall be~~ IS subject to the provisions of section 19-2-925 (4) for violating a condition of probation.

(6) The division of youth ~~corrections~~ SERVICES and the judicial department shall jointly establish guidelines for the program and FOR each of the components thereof described in subsection (4) of this section. THE DIVISION OF YOUTH SERVICES SHALL MAKE AVAILABLE necessary support services for the juvenile and the juvenile's family ~~shall be made available~~ under both components of the program. ~~as deemed appropriate by the division of youth corrections.~~

(8) The division of youth ~~corrections~~ SERVICES shall conduct an ongoing evaluation of the program. On or before ~~January 15, 2003, and on or before~~ January 15 each year, ~~thereafter~~; the division of youth ~~corrections~~ SERVICES shall submit a report of the evaluation results to the general assembly. The division may contract for the services and labor necessary to perform the ongoing evaluation.

**SECTION 35.** In Colorado Revised Statutes, **amend** 19-2-311 as follows:

**19-2-311. Victim-offender conferences - pilot program.** The division of youth ~~corrections~~ SERVICES is authorized to establish a pilot program, when funds become available, in its facilities to facilitate victim-initiated victim-offender conferences whereby a victim of a crime may request a facilitated conference with the juvenile who committed the crime, if the juvenile is in the custody of the division of youth ~~corrections~~ SERVICES. After such a pilot program is established, the division of youth ~~corrections~~ SERVICES may establish policies and procedures for the victim-offender conferences using volunteers to facilitate the conferences. The volunteers shall complete the division of youth ~~corrections~~ SERVICES' volunteer and facility-specific training programs and complete high-risk victim-offender training and victim advocacy training. The division of youth ~~corrections~~ SERVICES shall not compensate or reimburse a volunteer or victim for any expenses. If a pilot program is available, and subsequent to the victim's or the victim representative's request, the division of youth ~~corrections~~ SERVICES shall arrange such a conference only after determining that the conference would be safe and only if the juvenile agrees to participate. The purposes of the conference ~~shall be~~ ARE to enable the victim to meet the juvenile, to obtain answers to questions only the juvenile can answer, to assist the victim in healing from the impact of the crime, and to promote a sense of remorse and acceptance of responsibility by the juvenile that may contribute to his or her rehabilitation.

**SECTION 36.** In Colorado Revised Statutes, 19-2-414, **amend** (3) as follows:

**19-2-414. Facility rules - academic and vocational courses.**  
(3) The director of the division of youth ~~corrections~~ SERVICES may appoint, pursuant to section 13 of article XII of the state constitution, a director and such other officers, teachers, instructors, counselors, and other personnel as the director may consider necessary to transact the business of the schools and may designate their duties. No person shall be appointed as a teacher or instructor in the schools who is not qualified to serve as a teacher or instructor in the schools under the laws of the state and the standards established by the department of education.

**SECTION 37.** In Colorado Revised Statutes, **amend** 19-2-415 as

follows:

**19-2-415. Fees for transporting juveniles.** It is the duty of the sheriff, undersheriff, or deputy, or in their absence any suitable person appointed by the court for such purpose, to convey any juvenile committed under the provisions of section 19-2-601 or 19-2-907 to facilities of the division of youth ~~corrections~~ SERVICES. All officers performing services under this part 4 ~~shall~~ MUST be paid the same fees as are allowed for similar services in criminal cases, such fees to be paid by the county from which such juvenile was committed.

**SECTION 38.** In Colorado Revised Statutes, amend 19-2-914 as follows:

**19-2-914. Sentencing - community accountability program.** Except as otherwise provided in section 19-2-601, the court may sentence the juvenile to participate in the community accountability program as set forth in section 19-2-309.5. Such a sentence ~~shall be~~ IS a condition of probation ~~and shall be~~ for higher-risk juveniles who would have otherwise been sentenced to detention or out-of-home placement or committed to the department of human services. A sentence pursuant to this section ~~shall be~~ IS conditioned on the availability of space in the community accountability program and on a determination by the division of youth ~~corrections~~ SERVICES that the juvenile's participation in the program is appropriate. In the event that the division of youth ~~corrections~~ SERVICES determines the program is at maximum capacity or that a juvenile's participation is not appropriate, the juvenile ~~shall~~ MUST be ordered to return to the sentencing court for another sentencing hearing.

**SECTION 39.** In Colorado Revised Statutes, 19-2-921, amend (7) and (10) as follows:

**19-2-921. Commitment to department of human services.** (7) When a juvenile is released or released to parole supervision by the department of human services or escapes from said department, the department shall notify the committing court, the district attorney, the Colorado bureau of investigation, and the initiating law enforcement agency. If the juvenile is on parole status, the division of youth ~~corrections~~ SERVICES shall notify the juvenile parole board, pursuant to section 19-2-1002 (7)(b)(II), of any discharge as a matter of law, any placement



change that may impact public safety or victim safety as determined by the division of youth ~~corrections~~ SERVICES, and any escape and recapture that occurs during the period of parole.

(10) When custody of a juvenile who will be under the age of eighteen years at the time of expiration of commitment cannot be determined or none of the resources described in subsection (9) of this section exist, the division of youth ~~corrections~~ SERVICES shall make a referral to the last-known county of residence of the responsible person having custody of the juvenile immediately prior to the commitment. The referral to the county ~~shall~~ MUST be made by the division of youth ~~corrections~~ SERVICES at least ninety days prior to the expiration of the juvenile's commitment. The county department of human services or county department of social services shall conduct an assessment of the child protection needs of the juvenile and, pursuant to rules adopted by the state board, provide services in the best interest of the juvenile. The division of youth ~~corrections~~ SERVICES shall work in collaboration with the county department conducting the assessment and shall provide parole supervision services as described in section 19-2-1003.

**SECTION 40.** In Colorado Revised Statutes, 19-2-1002, **amend** (7)(b)(I)(A), (7)(b)(II), (9)(b)(I) introductory portion, and (9)(b)(II)(B) as follows:

**19-2-1002. Juvenile parole.** (7) Notice. (b) (I) (A) Prior to consideration of the case of a juvenile for parole, the board shall provide notice of the time and place of the juvenile's hearing before the board or a hearing panel of the board to a victim who has provided to the division of youth ~~corrections~~ SERVICES or the board a written statement pursuant to sections 24-4.1-302.5 and 24-4.1-303. ~~C.R.S.~~ The notice and subsequent interactions with the victim ~~shall~~ MUST be consistent with the provisions of article 4.1 of title 24. ~~C.R.S.~~

(II) For a ~~youth that~~ JUVENILE WHO is currently serving parole that implicates the provisions of article 4.1 of title 24, ~~C.R.S.~~, the division of youth ~~corrections~~ SERVICES shall notify the board of any discharge as a matter of law and any placement change that may impact public safety or victim safety as determined by the division of youth ~~corrections~~ SERVICES, including any escape or recapture.

(9) **Parole discharge.** (b) (I) Based upon a request and recommendation by the division of youth ~~corrections~~ SERVICES, the board may discharge all or a portion of a juvenile's period of parole, as defined in section 19-2-909 (1)(b), without holding a hearing before the board or a hearing panel of the board, if the board finds that:

(II) As used in this subsection (9), a juvenile is unavailable to complete the period of parole if:

(B) The juvenile has been or will be transferred out of the state of Colorado and the division of youth ~~corrections~~ SERVICES determines that the discharge is not in conflict with the interstate compact on juveniles, part 7 of article 60 of title 24; ~~C.R.S.~~ or

**SECTION 41.** In Colorado Revised Statutes, 19-2-1003, **amend** (1) as follows:

**19-2-1003. Parole officers - powers - duties.** (1) Under the direction of the director of the division of youth ~~corrections~~ SERVICES, the juvenile parole officer or officers in each region established in section 19-2-209 (3) shall supervise all juveniles living in the region who, having been committed to the department of human services, are on parole from one of its facilities.

**SECTION 42.** In Colorado Revised Statutes, 19-2-1004, **amend** (1) introductory portion, (2), (8)(b), and (12) as follows:

**19-2-1004. Parole violation and revocation.** (1) The director of the division of youth ~~corrections~~ SERVICES or any juvenile parole officer may arrest any parolee when:

(2) When an alleged parole violator is taken into custody, the director of the division of youth ~~corrections~~ SERVICES or the juvenile parole officer shall notify the parents, guardian, or legal custodian of the juvenile without unnecessary delay.

(8) Within ten working days after the finding of probable cause by the preliminary administrative law judge, the juvenile parole officer shall complete his or her investigation and either:

(b) Recommend to the director of the division of youth ~~corrections~~ SERVICES, or his or her designee, that the parolee, if detained, be released and the violation proceedings be dismissed. The director, or his or her designee, shall determine whether to cause the violation proceedings to be dismissed, and, if he or she elects to cause dismissal, the parolee ~~shall~~ MUST be released or notified that he or she is relieved of obligation to appear before the hearing panel. In such event, the director, or his or her designee, shall give written notification to the board of his or her action.

(12) At the hearing before the hearing panel, if the parolee denies the violation, the division of youth ~~corrections shall have~~ SERVICES HAS the burden of establishing by a preponderance of the evidence the violation of a condition or conditions of parole. The hearing panel shall, when it appears that the alleged violation of conditions of parole consists of an offense with which the parolee is charged in a criminal case then pending, continue the parole violation hearing until the termination of the criminal proceeding. Any evidence having probative value ~~shall be~~ IS admissible regardless of its admissibility under exclusionary rules of evidence if the parolee is accorded a fair opportunity to rebut hearsay evidence. The parolee ~~shall have~~ HAS the right to confront and to cross-examine adverse witnesses unless the administrative law judge specifically finds good cause for not allowing confrontation.

**SECTION 43.** In Colorado Revised Statutes, 19-3.3-103, **amend** (5) as follows:

**19-3.3-103. Office of the child protection ombudsman - powers and duties - access to information - confidentiality - testimony - judicial review.** (5) In the performance of his or her duties, the ombudsman shall act independently of the divisions within the state department that are responsible for child welfare, youth ~~corrections~~ SERVICES, or child care, of the county departments of human or social services, and of all judicial agencies, including, but not limited to, the office of the child's representative, the office of the respondent parents' counsel, the office of state public defender, the office of alternate defense counsel, and the office of attorney regulation counsel. Any recommendations made by the ombudsman or positions taken by the ombudsman do not reflect those of the state department, judicial department, or of the county departments of human or social services.

**SECTION 44.** In Colorado Revised Statutes, 19-7-101, **amend** (1) introductory portion as follows:

**19-7-101. Legislative declaration.** (1) The general assembly hereby finds and declares that youth in foster care, excluding those in the custody of the division of youth ~~corrections~~ SERVICES or a state mental hospital, should enjoy the following:

**SECTION 45.** In Colorado Revised Statutes, 19-7-103, **amend** (1) as follows:

**19-7-103. Access to extracurricular activities - legislative declaration - rules.** (1) The general assembly finds and declares that it is important for youth in foster care, excluding those in the custody of the division of youth ~~corrections~~ SERVICES or a state mental hospital, to have increased access to normative, developmentally appropriate extracurricular activities to help prepare them for independence. Foster parents and group home parents or group center administrators shall make a reasonable effort to allow a youth in their care to participate in extracurricular, cultural, educational, work-related, and personal enrichment activities. ~~On or before July 31, 2012,~~ The department of human services shall promulgate rules for the implementation of this section. The rules ~~shall~~ **MUST** address policies, including but not limited to waiver of any fingerprint-based criminal history records checks for community entities, excluding all individuals required to obtain a fingerprint-based criminal history records check pursuant to section 26-6-107, ~~C.R.S.~~, providing extracurricular activities and guidelines for determining in what situations it is appropriate to waive fingerprint-based criminal history records checks, to allow youth in foster care, excluding those in the custody of the division of youth ~~corrections~~ SERVICES or a state mental hospital, who are twelve years of age and older to participate in age-appropriate extracurricular enrichment, social activities, and activities designed to assist those youth to make the transition to independence, build life skills, and enhance opportunities to make positive connections.

**SECTION 46.** In Colorado Revised Statutes, 22-14-103, **amend** (3)(c)(IV) as follows:

**22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.** (3) To accomplish the

purposes specified in subsection (2) of this section, the office shall also:

(c) Develop interagency agreements and otherwise cooperate with other state and federal agencies and with private, nonprofit agencies to collect and review student data and develop and recommend methods for reducing student dropout rates and increasing student engagement and re-engagement. The office shall, to the extent possible, collaborate with, at a minimum:

(IV) The division of youth ~~corrections~~ SERVICES and other agencies within the juvenile justice system;

**SECTION 47.** In Colorado Revised Statutes, 22-20-103, **amend** (28)(c) as follows:

**22-20-103. Definitions.** As used in this part 1, unless the context otherwise requires:

(28) "State-operated program" means an approved school program supervised by the department and operated by:

(c) The department of human services, including but not limited to the division of youth ~~corrections~~ SERVICES and the mental health institutes.

**SECTION 48.** In Colorado Revised Statutes, 22-20-104, **amend** (2)(a) as follows:

**22-20-104. Administration - advisory committee - rules.**  
(2) (a) In order to assist the state board in the performance of its responsibilities for the implementation of this part 1, the state board shall appoint a state special education advisory committee of an appropriate size. The members of the advisory committee ~~shall~~ **MUST** be representative of the state population and ~~shall be~~ composed of persons involved in or concerned with the education of children with disabilities, including parents of children with disabilities ages birth through twenty-six years; individuals with disabilities; teachers; representatives of institutions of higher education that prepare special education and related services personnel; state and local education officials, including officials who carry out activities under section 22-33-103.5; administrators of programs for children with disabilities; representatives of other state agencies involved

in the financing or delivery of related services to children with disabilities; representatives of private schools, district charter schools, and institute charter schools; at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; a representative from child welfare services in the department of human services established pursuant to section 26-5-102; C.R.S.; and representatives from the division of youth corrections SERVICES in the department of human services and from the department of corrections. A majority of the members of the advisory committee ~~shall~~ MUST be individuals with disabilities or parents of children with disabilities. Members ~~shall be~~ ARE appointed for terms as determined by the by-laws of the advisory committee. Any additions to the composition of the advisory committee ~~shall~~ MUST be made pursuant to the procedures of the state board.

**SECTION 49.** In Colorado Revised Statutes, 22-32-109.3, **amend** (2) introductory portion and (2)(b) as follows:

**22-32-109.3. Board of education - specific duties - student records.** (2) Notwithstanding the provisions of subsection (1) of this section, the address and telephone number and any medical, psychological, sociological, and scholastic achievement data concerning any student ~~shall be~~ ARE released ONLY under the following conditions:

(b) To district or municipal court personnel, the division of youth ~~corrections~~ SERVICES, county departments of social services, the youthful offender system, and any other juvenile justice agency within fifteen days after receipt by the school district of a court order authorizing release of such information.

**SECTION 50.** In Colorado Revised Statutes, 24-1-120, **amend** (6) introductory portion and (6)(e) as follows:

**24-1-120. Department of human services - creation.** (6) The department ~~shall consist~~ CONSISTS of the following divisions and units:

(e) The division of youth ~~corrections~~ SERVICES, created pursuant to section 19-2-203. ~~C.R.S.~~ The division of youth ~~corrections~~ SERVICES and the office of the director of the division of youth ~~corrections~~ SERVICES and their powers, duties, and functions are transferred by a type 2 transfer to

the department of human services as a division thereof.

**SECTION 51.** In Colorado Revised Statutes, 24-1.9-102, **amend** (1)(a) introductory portion and (1)(a)(VI) as follows:

**24-1.9-102. Memorandum of understanding - local-level interagency oversight groups - individualized service and support teams - coordination of services for children and families - requirements - waiver.** (1) (a) Local representatives of each of the agencies specified in this ~~paragraph~~ ~~(a)~~ **SUBSECTION (1)(a)** and county departments of social services may enter into memorandums of understanding that are designed to promote a collaborative system of local-level interagency oversight groups and individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. The memorandums of understanding entered into pursuant to this subsection (1) ~~shall~~ **MUST** be between interested county departments of social services and local representatives of each of the following agencies or entities:

(VI) The division of youth ~~corrections~~ **SERVICES**;

**SECTION 52.** In Colorado Revised Statutes, 24-4.1-302, **amend** (1.3) as follows:

**24-4.1-302. Definitions.** As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(1.3) "Correctional facility" means any private or public entity providing correctional services to offenders pursuant to a court order including, but not limited to a county jail, a community corrections provider, the division of youth ~~corrections~~ **SERVICES**, and the department of corrections.

**SECTION 53.** In Colorado Revised Statutes, 24-4.1-302.5, **amend** (1)(d.5)(IV) as follows:

**24-4.1-302.5. Rights afforded to victims.** (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:

(d.5) (IV) This ~~paragraph (d.5)~~ SUBSECTION (1)(d.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth ~~corrections~~ SERVICES in the department of human services, but is limited to participation by telephone.

**SECTION 54.** In Colorado Revised Statutes, 24-4.1-303, **amend** (14.3)(c) as follows:

**24-4.1-303. Procedures for ensuring rights of victims of crimes.** (14.3) Upon receipt of a written statement from the victim, the juvenile parole board shall notify the victim of the following information regarding any person who was charged with or convicted of an offense against the victim:

(c) Any placement change that occurs during the period of parole that may impact the victim's safety or public safety as determined by the division of youth ~~corrections~~ SERVICES; and

**SECTION 55.** In Colorado Revised Statutes, 24-33.5-515, **amend** (1) introductory portion, (1)(d), and (2) as follows:

**24-33.5-515. Statewide automated victim information and notification system - legislative declaration.** (1) The general assembly ~~hereby~~ finds and declares that:

(d) The system is available for any county that wishes to participate and also includes the division of youth ~~corrections~~ SERVICES;

(2) The general assembly may annually appropriate from the general fund to the division ~~moneys~~ MONEY for the operation of the statewide automated victim information and notification system. The division must distribute ~~moneys~~ MONEY appropriated to the division by the general assembly for the operation of the statewide automated victim information and notification system to be used by the county sheriffs, the division of youth ~~corrections~~ SERVICES, and other departments or agencies.

**SECTION 56.** In Colorado Revised Statutes, 25-1.5-106, **amend** (10) as follows:



**25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal.** (10) **Renewal of patient identification card upon criminal conviction.** Any patient who is convicted of a criminal offense under article 18 of title 18 ~~C.R.S.~~, WHO IS sentenced or ordered by a court to drug or substance abuse treatment, or sentenced to the division of youth ~~corrections~~, ~~shall be~~ SERVICES, IS subject to immediate renewal of his or her patient registry identification card, and the patient shall apply for the renewal based upon a recommendation from a physician with whom the patient has a bona fide physician-patient relationship.

**SECTION 57.** In Colorado Revised Statutes, 25-20.5-109, **amend** (1) introductory portion and (1)(a) as follows:

**25-20.5-109. Programs not included.** (1) Notwithstanding any other provisions of this ~~article~~ ARTICLE 20.5 to the contrary, the following programs are not subject to the requirements of this ~~article~~ ARTICLE 20.5:

(a) Any juvenile programs operated by the division of youth ~~corrections~~ SERVICES in the department of human services;

**SECTION 58.** In Colorado Revised Statutes, 25-20.5-406, **amend** (2)(b)(IV) as follows:

**25-20.5-406. State review team - creation - membership - vacancies.** (2) (b) The executive director of the department of human services shall appoint six voting members, as follows:

(IV) One member who represents the division of youth ~~corrections~~ SERVICES; and

**SECTION 59.** In Colorado Revised Statutes, 25.5-4-205.5, **amend** (2) as follows:

**25.5-4-205.5. Confined persons - suspension of benefits.** (2) Notwithstanding any other provision of law, a person who, immediately prior to becoming a confined person, was a recipient of medical assistance pursuant to this ~~article~~ ARTICLE 4 or article 5 or 6 of this ~~title shall remain~~ TITLE 25.5 REMAINS eligible for medical assistance while

a confined person; except that no medical assistance ~~shall~~ MAY be furnished pursuant to this ~~article~~ ARTICLE 4 or article 5 or 6 of this title TITLE 25.5 while the person is a confined person unless federal financial participation is available for the cost of the assistance, including but not limited to juveniles held in a facility operated by or under contract to the division of youth ~~corrections~~ SERVICES established pursuant to section 19-2-203 ~~C.R.S.~~, or the department of human services. Once a person is no longer a confined person, the person ~~shall continue~~ CONTINUES to be eligible for receipt of medical benefits pursuant to this ~~article~~ ARTICLE 4 or article 5 or 6 of this title TITLE 25.5 until the person is determined to be ineligible for the receipt of the assistance. To the extent permitted by federal law, the time during which a person is a confined person ~~shall not be~~ IS NOT included in any calculation of when the person must recertify his or her eligibility for medical assistance pursuant to this ~~article~~ ARTICLE 4 or article 5 or 6 of this title TITLE 25.5.

**SECTION 60.** In Colorado Revised Statutes, 25.5-6-409.5, **amend** (3)(d) as follows:

**25.5-6-409.5. Transition plan for youth with intellectual and developmental disabilities to adult services - legislative declaration - report - rules - cash fund.** (3) (d) The requirement to transition youth as set forth in ~~paragraph (c) of this subsection (3)~~ SUBSECTION (3)(c) OF THIS SECTION does not apply to youth currently serving a sentence in the division of youth ~~corrections~~ SERVICES or to youth under a court order in a juvenile delinquency case, unless the court approves the transition by written court order.

**SECTION 61.** In Colorado Revised Statutes, 26-20-102, **amend** the introductory portion and (2.5) as follows:

**26-20-102. Definitions.** As used in this ~~article~~ ARTICLE 20, unless the context otherwise requires:

(2.5) "Division of youth ~~corrections~~ SERVICES" means the division of youth ~~corrections~~ SERVICES within the state department created pursuant to section 19-2-203. ~~C.R.S.~~

**SECTION 62.** In Colorado Revised Statutes, 26-20-104.5, **amend** (1) introductory portion, (1)(c), (2)(b) introductory portion, (2)(b)(II), and

(3) as follows:

**26-20-104.5. Duties relating to use of seclusion by division of youth services.** (1) Notwithstanding the provisions of section 26-20-103 to the contrary, if the division of youth ~~corrections~~ SERVICES holds a youth in seclusion in any secure state-operated or state-owned facility:

(c) Within twelve hours after the beginning of the youth's seclusion period, the division of youth ~~corrections~~ SERVICES shall notify the youth's parent, guardian, or legal custodian and inform that person that the youth is or was in seclusion and the reason for his or her seclusion.

(2) (b) If an emergency situation occurs that continues beyond four consecutive hours, the division of youth ~~corrections~~ SERVICES may not continue the use of seclusion for that youth unless the following criteria are met and documented:

(II) The director of the division of youth ~~corrections~~ SERVICES, or his or her designee, approves at or before the conclusion of four hours, and every hour thereafter, the continued use of seclusion.

(3) Notwithstanding any other provision of this section, the division of youth ~~corrections~~ SERVICES may place a youth alone in a room or area from which egress is involuntarily prevented if such confinement is part of a routine practice that is applicable to substantial portions of the population. Such confinement must be imposed only for the completion of administrative tasks and should last no longer than necessary to achieve the task safely and effectively.

**SECTION 63.** In Colorado Revised Statutes, 26-20-105, **amend** (1.5) introductory portion as follows:

**26-20-105. Staff training concerning the use of restraint and seclusion - adults and youth.** (1.5) The division of youth ~~corrections~~ SERVICES shall ensure that all staff involved in utilizing restraint and seclusion are trained in:

**SECTION 64.** In Colorado Revised Statutes, 27-67-102, **amend** (1) as follows:

**27-67-102. Legislative declaration.** (1) The general assembly finds that many parents in Colorado have experienced challenging circumstances because their children have significant mental health needs. Many times, the parents are loving, caring parents who have become increasingly frustrated in their attempts to navigate the various governmental systems including child welfare, mental health, law enforcement, juvenile justice, education, and youth ~~corrections~~ SERVICES in an attempt to find help for their children. Frequently in these situations an action in dependency or neglect under article 3 of title 19 ~~C.R.S.~~ is neither appropriate nor warranted.

**SECTION 65.** In Colorado Revised Statutes, 27-69-104, **amend** (3) introductory portion and (3)(a) as follows:

**27-69-104. Program scope - rules.** (3) Key components of the family advocacy mental health juvenile justice programs for system-of-care family advocates and family systems navigators for mental health juvenile justice populations shall include:

(a) Coordination with the key stakeholders involved in the local community to ensure consistent and effective collaboration. This collaboration may include, but need not be limited to, a family advocacy organization, representatives of the juvenile court, the probation department, the district attorney's office, the public defender's office, a school district, the division of youth ~~corrections~~ SERVICES within the department of human services, a county department of social or human services, a local community mental health center, and a regional behavioral health organization and may include representatives of a local law enforcement agency, a county public health department, a substance abuse program, a community centered board, a local juvenile services planning committee, and other community partners;

**SECTION 66.** In Colorado Revised Statutes, 27-80-101, **amend** the introductory portion and (5) as follows:

**27-80-101. Definitions.** As used in this article ARTICLE 80, unless the context otherwise requires:

(5) "Public program" means a program concerning the problems of alcohol or drug abuse sponsored by a county, district, or municipal public

health agency, county department of social services, court, probation department, law enforcement agency, school, school system, board of cooperative services, Indian tribal reservation, or state agency. "Public program" includes any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, ~~C.R.S.~~; any alcohol or drug abuse program administered by the division of adult parole under article 2 of title 17, ~~C.R.S.~~; any community correctional facility or program administered under article 27 of title 17, ~~C.R.S.~~; and any alcohol or drug abuse treatment program administered by the division of youth ~~corrections~~ SERVICES under title 19. ~~C.R.S.~~

**SECTION 67.** In Colorado Revised Statutes, 27-90-105, amend (2)(a)(II) as follows:

**27-90-105. Future juvenile detention facility needs.** (2) (a) The department is directed to assess the need for, and to determine the community commitment to, a new multipurpose juvenile detention facility to be constructed in La Plata county that would serve the following detention and treatment needs of juveniles in the southwest portion of the state:

(II) Secure facility and medium secure facility housing of juveniles who are committed to the division of youth ~~corrections~~ SERVICES.

**SECTION 68.** In Colorado Revised Statutes, 42-2-108, amend (1)(a) and (1)(b)(I) as follows:

**42-2-108. Application of minors.** (1) (a) The application of any person under eighteen years of age for an instruction permit or minor driver's license shall be accompanied by an affidavit of liability signed and verified by the parent, stepparent, grandparent with power of attorney, guardian, spouse of the applicant if the spouse is eighteen years of age or older, or, in the event there is no such person, guardian, or spouse, any other responsible adult who is willing to assume the obligation imposed under this ~~article~~ ARTICLE 2 upon an adult signing the affidavit of liability for a minor. When an applicant has been made a ward of any court in the state for any reason and has been placed in a foster home, the foster parents or parent may sign the affidavit of liability for the minor. If the parent or foster parent is unwilling or unable to sign the affidavit of liability, a guardian ad litem, a designated official of the county department of social

services having custody of the applicant, or a designated official of the division of youth ~~corrections~~ SERVICES in the department of human services having custody of the applicant may sign the application for an instruction permit without signing the affidavit of liability for the minor if the requirements of ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION are met; except that, prior to signing the application for an instruction permit, the guardian ad litem or other designated official shall notify the court of his or her intent to sign the application, and except that, the guardian ad litem or designated official shall not sign the application for an instruction permit for a minor who is placed in a foster care home and is under seventeen and one-half years of age without first obtaining the consent of the foster parent. If the minor is seventeen and one-half years of age or older and is in the care of a foster parent, in order to prepare the minor for emancipation from foster care and to assist the minor in obtaining important life skills, the guardian ad litem or designated official shall consult with the foster parent of the minor about the opportunity for the minor to learn driving skills under the restrictions provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION prior to signing an application for an instruction permit. The guardian ad litem or designated official shall solicit the opinion of the minor's foster parent concerning the minor's ability to exercise good judgment and make decisions as well as the minor's overall capacity to drive. When a minor to whom an instruction permit or minor driver's license has been issued is required to appear before the department for a hearing pursuant to any provision of this ~~article~~ ARTICLE 2, the minor ~~shall~~ MUST be accompanied by the person who signed the affidavit of liability for the minor or by the guardian ad litem or designated official who signed the application for an instruction permit for the minor. If the person who signed the minor's affidavit of liability or application for an instruction permit is unable to attend the hearing, he or she shall submit to the department a verified signed statement certifying under oath that he or she is aware of the purpose of the hearing but cannot attend.

(b) The department shall issue an instruction permit to an applicant under the age of eighteen years who is otherwise eligible to obtain an instruction permit and who has been made a ward of the court and who is in out-of-home placement without the requirement of a parent, guardian, stepparent, or foster parent signing an affidavit of liability if the following requirements are met:

(I) The guardian ad litem, a designated official of the county department of social services having custody of such applicant, or a designated official of the division of youth ~~corrections~~ SERVICES in the department of human services having custody of such applicant signs the application for an instruction permit;

**SECTION 69.** In Colorado Revised Statutes, 42-2-306, **amend** (1)(a)(III.5)(C) as follows:

**42-2-306. Fees - disposition.** (1) The department shall charge and collect the following fees:

(a) (III.5) The department shall not charge a fee to an applicant who is:

(C) Referred by the department of corrections, the division of youth ~~corrections~~ SERVICES, or a county jail.

**SECTION 70. Appropriation.** (1) For the 2017-18 state fiscal year, \$306,302 is appropriated to the department of human services for use by the division of youth services. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

(a) \$144,058 for personal services related to institutional programs, which amount is based on an assumption that the division will require an additional 0.3 FTE; and

(b) \$162,244 for operating expenses related to institutional programs.

**SECTION 71. Safety clause.** The general assembly hereby finds,


determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Crisanta Duran  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Kevin J. Grantham  
PRESIDENT OF  
THE SENATE

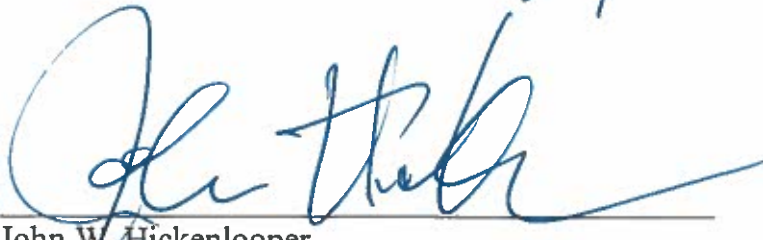


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED 10:28 am 6/6/17



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO